

170/8CE  
3629

# Request for Continued Examination (RCE) Transmittal

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See the American Inventors Protection Act of 1999 (AIPA).

|  |                       |
|--|-----------------------|
| Application No.                                  | 09/708,890            |
| Filing Date                                      | November 8, 2000      |
| Named Inventor(s)                                |                       |
| Jeffrey Mark Bertram and Albert Edward Houck III |                       |
| Group/Art Unit                                   | 3629                  |
| Examiner Name                                    | Jonathan P. Ouellette |
| Attorney Docket No.                              | 16600.105005          |

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice. Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 20, 2000), 1222 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider responses under 37 CFR § 1.116 previously filed on November 5, 2004 and February 23, 2005. (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
- iii. ☐ Other \_\_\_\_\_.
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_.

## 2. Miscellaneous

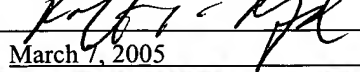
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_.

## 3. Fees (The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.)

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 11-0980.
- i. ☒ RCE Fee required under 37 CFR § 1.17(e)
- ii. ☒ Extension of time fee (37 CFR §§ 1.136 and 1.17). Petition and fee previously submitted.
- iii. ☐ Other \_\_\_\_\_.
- b. ☒ Check in the amount of \$790.00 is enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

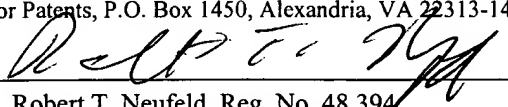
### Signature of Applicant, Attorney or Agent Required

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By:  Reg. No. 48,394  
Date: March 7, 2005  
Telephone: 404.572.4600 Facsimile: 404.572.5145  
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### Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 7, 2005.

  
Robert T. Neufeld, Reg. No. 48,394

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